

Electronic Filing  
ECF 1:07-cv-06915

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X  
TRAVELERS CASUALTY AND SURETY COMPANY,  
etc.,

07-CV-6915-DLC

Plaintiff,

-- against --

DORMITORY AUTHORITY - STATE OF NEW YORK,  
et al.,

Defendants.

Answer  
to  
Cross-Claim

-----X  
DORMITORY AUTHORITY OF THE STATE OF  
NEW YORK, et ano.,

Third-Party Plaintiffs,

-- against --

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

-----X  
TRATAROS CONSTRUCTION INC. and TRAVELERS  
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

-- against --

CAROLINA CASUALTY INSURANCE COMPANY,  
et al.,

Fourth-Party

Defendants.

-----X  
**Carolina Casualty Insurance Company** ("Carolina") answers the cross-claims set  
forth in the December 6, 2007, answering pleading of **Bartec Industries, Inc.**

("Bartec") as follows:

**First** Although Bartec's pleading purports to assert a cross-claim against Carolina (among others), Bartec's pleading was not served on Carolina.

**Second** Bartec's pleading fails to state any claim against Carolina upon which relief could be granted. Among other things, Bartec does not allege (and cannot truthfully allege) that Bartec is the obligee named in the surety bond Carolina gave as Crocetti's surety, or that Bartec qualifies in any other way to assert any claim under that surety bond.

**Third** Carolina denies that Carolina caused or contributed to any of the damages complained of by Bartec.

**Fourth** Bartec does not (and cannot truthfully) allege due and timely compliance with the stated conditions precedent to Carolina's obligations under the surety bond. Among other things, Bartec's claim is time-barred even assuming Bartec had standing as a claimant under that bond (which Bartec does not).

**Wherefore** Bartec's cross-claim should be dismissed as against Carolina.

Dated: New York, NY  
February 4, 2008

For Fourth-Party Defendant  
Carolina Casualty  
Insurance Company

ZICHELLO & McINTYRE, LLP

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